



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,743	12/04/2003	Andrew J. Szabo	93988	2233
22342 7590 12/30/2009 FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
SAX, STEVEN PAUL				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
12/30/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/728,743

**Applicant(s)**

SZABO, ANDREW J.

**Examiner**

Steven P. Sax

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 40-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 and 40-42 is/are allowed.
- 6) ☒ Claim(s) 25-33, 43-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This application has been examined. The amendment filed 2/11/09 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

3. Claims 25-27, 29-33, and 43-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Kolton et al (5590325).

4. Regarding claim 25, Kolton et al show a method for using a graphic user interface that: receives a signal relating to a graphic manipulation of a quantitative graphic representation of an output arrangement criterion from a user through the interface (Figures 4A-C, 5A-C, 7A-C, column 3 lines 50-67, column 4 lines 10-33, column 6 lines 1-20), transmitting electronic data representing the manipulation of the representation to an automated query response system (column 4 lines 36-65, column 5 lines 10-20), and receiving a

response from the automated query response system comprising a plurality of items arranged relative to each other in dependence on the output arrangement criterion (column 5 lines 10-39, column 11 lines 30-65, column 12 lines 42-64).

5. Regarding claim 26, the quantitative graphic representation has a scale wherein the user selects a desired value based on manipulating the scale (column 6 lines 9-30).

6. Regarding claim 27, the query response system is a search engine (column 5 lines 10-20).

7. Regarding claim 29, the output criterion includes sort criterion (column 8 lines 25-45).

8. Regarding claim 30, the output criterion includes ranking criterion (column 8 lines 25-45, column 9 lines 35-65).

9. Regarding claim 31, the representation includes both an output arrangement criterion (see para 4 of this Office Action) and a quantitative modifier for a semantic query (column 10 lines 25-65).

10. Regarding claim 32, the query response system operates on data records linked with one another and a ranking of the records depends on the links to or from other records (column 5 lines 10-30, column 9 lines 30-60).

11. Regarding claim 33, note the medium (column 3 lines 40-60).

12. Claims 43 and 45 each show the same features as claim 25, and are rejected for the same reasons.

13. Regarding claim 44, the multivalued graphic representation comprises a plurality of multivalued graphic representations, each being separately manipulated through the pointing device by the user (column 4 lines 36-65, column 5 lines 10-20).

14. Claims 46 and 47 each show the same features as claim 44 and are rejected for the same reasons.

15. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

16. Claim 33 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is directed to a medium which according to the specification may be just a signal transmitted through a processor. Such a medium is not statutory subject matter.

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolton et al (5590325).

19. Regarding claim 28, in addition to that mentioned for claim 25, Kolton et al do not specifically go into the details that the data is transmitted over the Internet, but do mention transmitting data over a network to access databases. Examiner takes Official Notice that the Internet was already a common network to use at the time of the applicant's invention to access databases. It would have been obvious to a person with ordinary skill in the art to use the Internet in the

invention of Kolton et al, because it would allow convenient access to databases over a network.

20. Claims 1-24 and 40-42 are allowable over the prior art of record. These claims bring out receiving an output database set from the database in accordance with the database operation parameter, in which the relative arrangement of members of the output database set is responsive to manipulation of the graded representation portion by the user. These features in combination with the other elements of the claims combined are not set forth in the prior art of record.

21. Applicant's arguments filed have been fully considered but they are not persuasive. Regarding claim 25 and similar claims, Kolton et al do in fact show an output arrangement and such an arrangement has items relative to each other. The outputting of the arrangement may depend on an output arrangement criterion, such as various outputting features as applicant has acknowledged. Note that the claim recitation is broad, and the way in which the criterion may determine the specifics of the relative arrangement is not brought out as it is in the allowable claims. Also then in claim 26 the options may in a sense be for the output arrangement, even if just for the arrangement as a whole.

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

\*\*\*